

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH & HUMAN SERVICES

Call to Order: By **VICE CHAIRMAN JOHN COBB**, on January 10, 2001
at 8:30 A.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Dave Lewis, Chairman (R)
Sen. John Cobb, Vice Chairman (R)
Rep. Edith Clark (R)
Rep. Joey Jayne (D)
Sen. Bob Keenan (R)
Sen. Mignon Waterman (D)

Members Excused: None.

Members Absent: None.

Staff Present: Robert V. Andersen, OBPP
Pat Gervais, Legislative Branch
Lois Steinbeck, Legislative Branch
Sydney Taber, Committee Secretary
Connie Welsh, OBPP

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted:
Executive Action: Director's Office and Quality
Assurance

{Tape : 1; Side : A; Approx. Time Counter : 0.3-.6}

EXHIBIT(jhh07a01)

EXHIBIT(jhh07a02)

EXHIBIT(jhh07a03)

VICE CHAIRMAN JOHN COBB, SD 25, Augusta, opened the hearing with
an explanation that the Department of Health and Public Services
requested to give their presentation on the supplemental
appropriation on Monday, January 15; **CHAIRMAN LEWIS** is presenting

a bill and requested that executive action on Director's Office and Quality Assurance Division be delayed until he returns.

{Tape : 1; Side : A; Approx. Time Counter : 0.6-24.8}

Lois Steinbeck, Legislative Fiscal Division Staff, explained the standard motion and materials used by the Committee during executive action. If the Committee wants to make no changes to the base budget, it adopts the standard motion which would be base budget, state-wide adjustments, including the 4% vacancy savings rate. If the Committee wishes to make changes to the base budget, adopting the standard motion would require the Committee to reconsider its actions, have a majority vote and go back. If the Committee is considering 15% reductions, it needs to consider any of the 15% reductions that it wants to take before the standard motion is made. And then, the standard motion would be that the base budget is moved with the changes. If the budget were accepted and later, some part of the original base were unacceptable, the Committee would reopen the base budget motion or create a new decision package.

The Committee can accept the present law (PL) proposal, modify it, or reject it. A separate motion would be needed to adopt, modify, or reject. To add a proposal to the budget, it takes a motion with a positive vote. The Committee can also take into account issues raised by its staff. Sometimes the comments and issues are directly related to the expenditure amount of the proposal, sometimes policy issues, and sometimes related to statutes. Staff has raised several issues in the Montana Telecommunications Access Program: one is a new type of disability is being funded by the program, that was not contemplated by statute.

If the Committee wishes to fund equipment for the mobility impaired, it could request a bill to change the statute to include it in the definition of persons with disabilities. If the Committee does not introduce a bill to change the statute and leaves the funding in, the program could continue to fund people with a disability, but it would leave the program at risk to legal challenge. Another staff issue is the unconstitutional delegation of authority in that the means test does not include a cap in the MTAP program. The third staff issue is that the ending fund balance in the account will equal almost an annual operating budget. The Committee may wish to consider responses to the LFD issues that were given to the Department.

The MTAP program did provide a written handout as well as expenditure information regarding the account balances. They

believed after modifying the rate of increase in relay minutes as well as the cost in projecting out revenues that they would have funding adequate to cover them through FY 2009. The Committee may wish to consider whether it will leave the money there or divert it to other uses. The MTAP program agreed that mobility impairment was not included in its statutory authorization, and they would like the Legislature to work with them to make those changes.

{Tape : 1; Side : A; Approx. Time Counter : 19-22.7}

SEN. WATERMAN, SD 26, Helena, would like a Committee bill on the statutory change.

{Tape : 1; Side : A; Approx. Time Counter : 22.7-24.8}

Ms. Steinbeck finished her explanations with note that the Committee has three to four days of wrap up. Medicaid caseloads and other significant decisions are sometimes considered later since the most recent data will be available then.

{Tape : 1; Side : A; Approx. Time Counter : 25-33}

CHAIRMAN DAVE LEWIS, HD 55, Helena, suggested that the Committee go over the 15% reductions. He asked **Gail Gray, Director of the Department of Health and Human Services (DPHHS)** to review services that would be eliminated in response to HB 64. Other than eliminating portions of training, the other budget cuts will have significant impacts and consequences, particularly with the personal services costs and the reduction of the operating expenditures for the Director's Office.

{Tape : 1; Side : A; Approx. Time Counter : 33.3-36}

In response to queries by **CHAIRMAN LEWIS, Ms. Steinbeck** explained the state rules for overtime and estimated that a deputy director position included in the budget cost at \$100,000, and \$37,000 of that was general fund. Information on the grade level was unavailable.

EXECUTIVE ACTION ON DIRECTOR'S OFFICE

NEW PROPOSALS:

{Tape : 1; Side : A; Approx. Time Counter : 36.3-45}

Motion: REP. LEWIS moved TO REDUCE THE BASE BY \$40,000 GENERAL FUND EACH YEAR OF THE BIENNIUM.

{Tape : 1; Side : A; Approx. Time Counter : 45.0-48.5}

Substitute Motion/Vote: SEN. WATERMAN made a substitute motion TO REDUCE THE BASE BY \$40,000 GENERAL FUND EACH YEAR OF THE BIENNIUM

AND PROVIDE FOR A DEPUTY DIRECTOR. Substitute motion failed unanimously.

EXHIBIT (jhh07a04)

PRESENT LAW ADJUSTMENTS:

{Tape : 1; Side : B; Approx. Time Counter : 4.8-5.6}

Motion/Vote: SEN. COBB moved THAT THE BASE LEVEL OF FUNDING PLUS STATEWIDE PRESENT LAW ADJUSTMENTS (TO INCLUDE DP 699 - ADDED VACANCY SAVINGS) FOR THE DIRECTOR'S OFFICE, PROGRAM 4, BE ACCEPTED. Motion carried unanimously.

{Tape : 1; Side : B; Approx. Time Counter : 13.3-14.3}

Motion/Vote: SEN. WATERMAN moved TO DRAFT A COMMITTEE BILL TO EXPAND THE DEFINITION FOR THE MTAP PROGRAM (DP172) TO INCLUDE MOBILITY IMPAIRED. Motion carried 5-1 with Keenan voting no.

Ms. Steinbeck clarified that the Committee cannot request a bill, but can forward a request to the House Appropriations Committee where it takes a 60% vote to move it forward as a Committee.

{Tape : 1; Side : B; Approx. Time Counter : 15.5-16.5}

Motion: SEN. WATERMAN requested THAT STAFF WORK WITH THE DIRECTOR'S OFFICE TO ESTABLISH MEANS TESTING AND MAXIMUM CAPS IN THE MTAP PROGRAM TO BE INTRODUCED AS A COMMITTEE BILL.

{Tape : 1; Side : B; Approx. Time Counter : 16.5 - 20.6}

Discussion:

The Committee discussed the effect of means testing in the MTAP program. SEN. WATERMAN suggested some sort of sliding fee scale be included.

SEN. WATERMAN agreed to wait for the information and withdrew her motion.

Director Gray stated that Section 53-90-307 MCA, does require that the advisory committee develop the appropriate means test to determine eligibility for participation. Ms. Steinbeck said that Greg Petesch believes the statute is an unconstitutional delegation of authority because there is no cap.

{Tape : 1; Side : B; Approx. Time Counter : 21.4-28}

Motion/Vote: SEN. WATERMAN moved TO ADOPT DP 200 MTAP SPRINT RELAY WITH AN UNDERSTANDING THAT THERE WILL BE SOME ADJUSTMENT IN THE SPRINT RATE FOR INFLATION, AND THAT THERE WILL BE SOME MONEY TO BE USED FOR OUTREACH. Motion carried 5-1 with Sen. Cobb voting no.

SEN. KEENAN asked **Director Gray** what they did for outreach. The FCC requires a speech outreach campaign through television, radio campaigns and a 711 number be provided by the program.

SEN. COBB questioned Director Gray on the AmeriCorps Vista volunteers and what sort of jobs they do. She responded that they are used for recruiting tutors for reading improvement, child abuse programs, data collection, and grant writing for the community people. **CHAIRMAN LEWIS** asked what the source of the special funds was, to which **Ms. Steinbeck** responded that it is the local match.

{Tape : 1; Side : B; Approx. Time Counter : 31.7-32.1}

Motion/Vote: **SEN. COBB** moved TO ADOPT DP 96, THE AMERICORPS VISTA VOLUNTEER PROGRAM, EXPANSION. Motion carried unanimously.

{Tape : 1; Side : B; Approx. Time Counter : 32.7-33.5}

Motion/Vote: **SEN. COBB** moved TO ADOPT DP 97, MTAP HUMAN SERVICES SPECIALIST FTE. Motion carried unanimously.

{Tape : 1; Side : B; Approx. Time Counter : 34.0}

Discussion on DP 98 revealed that the Director's Office agreed that it did not need funding for a different vehicle. There was no motion on DP 93 MTAP motor pool vehicles.

{Tape : 2; Side : A; Approx. Time Counter : 0.4}

EXHIBIT (jhh07a05)

EXHIBIT (jhh07a06)

Denzel Davis, Administrator for Quality Assurance, went over information requested by the Committee **EXHIBIT** (jhh07a06). **Mr. Davis** reviewed the Quality Assurance response to Committee information requests, statutory recommendations, administrative rule modifications, and recommendations for the Radiological Health Program.

Ms. Steinbeck noted that it was unclear whether a new FTE was requested in DP 172. **Mr. Davis** responded that it is out of the new budget. **Ms. Steinbeck** explained that DP 172 has an allocation of \$59,000 general fund each year; \$6,000 will be allocated for the radiation control program, and \$52,600 would be allocated to the contract to support license use functions.

REP. JOEY JAYNE, HD 73, Arlee, asked if the statutory recommendation is a change. **Mr. Davis** said that Quality

Assurance Division would support a change and is making a commitment to effect all the changes discussed within the budget.

CHAIRMAN LEWIS asked what the Division's vacancy rates were to which **Mr. Davis** responded that they barely make the 3%-4%.

EXECUTIVE ACTION ON QUALITY ASSURANCE DIVISION

{Tape : 2; Side : A; Approx. Time Counter : 26-26.7}

Motion/Vote: REP. CLARK moved TO ADOPT THE BASE LEVEL OF FUNDING PLUS STATEWIDE PRESENT LAW ADJUSTMENTS TO INCLUDE DP 699 - ADDED VACANCY SAVINGS FOR THE QUALITY ASSURANCE PROGRAM. Motion carried unanimously.

{Tape : 2; Side : A; Approx. Time Counter : 27.4-37.0}

Discussion on DP 172:

SEN. KEENAN requested that it be included as a one-time only appropriation. **CHAIRMAN LEWIS** commented that he would vote no on DP 172 since it was a program with a large appropriation of \$1.7 million or \$1.8 million and suggested a roll call vote.

Ms. Steinbeck explained that DP 172 would add the amount of general fund included in the Governor Martz budget, would not indicate funding for an FTE, and would be a line item in the appropriations bill as one time only if the appropriation bill passed. It could not be included in the base budget for this program in the next biennium. If the funding were to continue, it would be added as a new proposal again.

{Tape : 2; Side : A; Approx. Time Counter : 37.1-38.0}

Motion/Vote: SEN. COBB moved TO ADOPT DP 172 INCREASED LICENSURE BUREAU SERVICES WITH NO ADDITIONAL FTE AND AS A ONE TIME ONLY. Motion carried 4-2 with Sen. Keenan and Rep. Lewis voting no.

{Tape : 2; Side : A; Approx. Time Counter : 44.1-45.0}

Ms. Steinbeck explained that DP 91 is a negative decision package. The Committee directed staff to put the negative amount into a present law adjustment because it can't show as a negative in the bill.

{Tape : 2; Side : A; Approx. Time Counter : 45.9-46.0}

Motion/Vote: SEN. COBB moved ADOPT DP 91 LEASED MOTOR POOL CARS AS REDUCTION ROLLED INTO PRESENT LAW. Motion carried unanimously.

{Tape : 2; Side : B; Approx. Time Counter : 0.5-7}

The Committee discussed the critical access hospital grant issue.

{Tape : 2; Side : B; Approx. Time Counter : 7}

**Motion/Vote: SEN. COBB moved TO ADOPT DP 114, CRITICAL ACCESS
HOSPITAL FLEX GRANT RECOMMENDATION. Motion carried unanimously.**

EXHIBIT (jhh07a07)

Ms. Steinbeck handed out information on Medicaid budget issues in other states.

ADJOURNMENT

Adjournment: 10:10 A.M.

REP. DAVE LEWIS, Chairman

SYDNEY TABER, Secretary

DL/ST

EXHIBIT (jhh07aad)